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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Raymond Rudolph Spivey)
Serial No.: 10/777,614)
Filed: February 12, 2004)
For: CARTON WITH AN IMPROVED)
DISPENSING FEATURE)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby voluntarily discloses the reference listed on the attached Form PTO-1449 to the Assistant Commissioner for Patents. All the references were cited in a prior application relied upon by the above-identified application for an earlier filing date. The prior application relied upon is Application Serial No. 10/425,846, filed on April 29, 2003, now U.S. Patent No. 6,715,639, issued April 6, 2004. It is specified in 37 CFR 1.98(d) that a "copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 USC 120." Therefore please review the parent case for the references.

Applicant further reserves the right to establish the patentability of the claimed invention over any of the listed information should they be applied as references, and/or to prove that some of the cited information may not be prior art, and/or to prove that some of the cited information

may not be enabling for the teachings they purport to offer. This statement further should not be construed as the representation that an exhaustive search has been made, or that the information cited herewith is material, or that there does not exist information more material to the examination of the present Application. The Examiner is specifically requested not to rely solely on the information submitted herein. On the contrary, the Examiner is requested to conduct an independent and thorough review of the information, and to form independent opinions as to their significance.

It is respectfully requested that the Examiner initial and return copies of the enclosed PTO-1449 and to indicate in the official file wrapper of the above-identified patent application that each item of the cited information has been considered.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to account no. 09-0528.

Date: 5/26/04

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Docket No.: R029 1064.4

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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JUN 01 2004

Sheet 1 of 13

Form PTO-1449

Attorney Docket No.
R029 1064.4Serial No.
10/777,614

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Applicant
SpiveyFiling Date
02/12/04

Group

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	AA	1,541,143	06/1925	Hoile	229	231	
	AB	2,718,301	09/1955	Palmer	206	65	
	AC	2,723,027	11/1955	Guyer	206	65	
	AD	2,842,304	07/1958	Ringler	229	51	
	AE	2,930,516	03/1960	Fowle et al.	229	7	
	AF	Re. 26,083	09/1966	Forrer	220	115	
	AG	2,975,891	03/1961	Stone	206	65	
	AH	3,263,861	08/1966	Carr	221	302	
	AI	3,300,115	01/1967	Schauer	229	27	
	AJ	3,356,279	12/1967	Root	229	17	
	AK	3,517,858	06/1970	Farquhar	221	305	
	AL	3,540,581	11/1970	Koolnis	206	193	
	AM	3,765,327	10/1973	Vargo	101	232	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	AN	DE 7510538	08/1975	Germany				X
	AO	G 8514718.4	08/1985	Germany				X
	AP	DE 3612594 A1	10/1987	Germany				X
	AQ	WO 96/29260	09/1996	PCT				
	AR	WO 97/21607	06/1997	PCT				
	AS	EP 0849189 A1	06/1998	Europe				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AT	US2002/0070139 A1, published 06/13/2002, Bates

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					Filing Date 02/12/04		Group	

U.S. PATENT DOCUMENTS							
Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	BA	3,894,681	07/1975	Arneson et al.	221	305	
	BB	4,000,811	01/1977	Hardinson et al.	229	242	
	BC	4,030,596	06/1977	Snyder et al.	206	45.26	
	BD	4,214,660	07/1980	Hunt, Jr.	206	427	
	BE	4,222,485	09/1980	Focke	206	141	
	BF	4,375,258	03/1983	Crayne et al.	432	141	
	BG	4,396,143	08/1983	Killy	221	305	
	BH	4,417,661	11/1983	Roccaforte	229	232	
	BI	4,726,471	02/1988	Whately et al.	206	554	
	BJ	4,919,266	04/1990	McIntosh, Jr. et al.	206	434	
	BK	4,974,771	12/1990	Lavery	229	117.13	
	BL	5,123,589	06/1992	Cote	229	232	
	BM	5,137,211	08/1992	Summer et al.	229	164	
	BN	5,170,934	12/1992	Lemoine	229	101	

FOREIGN PATENT DOCUMENTS							
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							Yes No

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, etc.)</i>		

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U.S. PATENT DOCUMENTS								
Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	CA	5,279,440	01/1994	Fougeres et al.	220	228		
	CB	5,368,194	11/1994	Oliff et al.	221	305		
	CC	5,622,309	04/1977	Matsuda et al.	229	243		
	CD	5,722,584	03/1998	Fujiwara	229	120.15		
	CE	5,775,574	07/1998	Whitnell	229	120.18		
	CF	5,878,947	03/1999	Hoy et al.	229	122.1		
	CG	6,105,854	08/2000	Spivey	229	122.1		
	CH	6,176,419	01/2001	Holley, Jr.	229	122.1		
	CI	6,283,293	09/2001	Lingamfelter	206	427		
FOREIGN PATENT DOCUMENTS								
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							Yes	No
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	Applicant Spivey	
	Filing Date 04/29/2003	Group

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	DA	902,347	10/27/1908	Tillinghast			
	DB	1,925,102	09/05/1933	Levkoff	206	44	
	DC	2,868,431	01/13/1959	Painter	229	51	
	DD	2,990,097	06/27/1961	Thompson	229	20	
	DE	3,002,651	10/03/1961	Gauld	221	34	
	DF	3,018,031	01/23/1962	Ahlbor, et al.	229	44	
	DG	3,178,242	04/13/1965	Ellis, et al.	312	45	
	DH	3,228,582	01/11/1966	Osberg	229	51	
	DI	3,265,283	08/09/1996	Farquhar	229	27	
	DJ	3,332,594	07/25/1967	Capua	224	15	
	DK	3,599,858	08/17/1971	Samsing	229	51	
	DL	3,669,251	06/13/1972	Phillips	206	44	
	DM	3,765,527	10/16/1973	Vargo	206	44	

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		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	DN	0323596 A1	12/16/1988	Europe				X
	DO	0475147 A1	08/22/1991	Europe				X
	DP	G 8629664.7	11/06/1986	Germany				X
	DQ	DE 29913585 U1	08/04/1999	Germany				X

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, etc.)*

	DR	U.S. 2002/0088820 A1, filed 01/09/2001, published 07/11/2002 (Spivey) (Now U.S. Patent No. 6,578,736, Issued 06/17/2003 – See also, Sheet 6, FH reference)
	DS	“Dispensing Multipack, Coke Canner Rolls Out ‘Fridge-Friendly’ Pack,” Packaging World, September 2001, pg. 2, [Summit Publishing Company – Chicago]
	DT	“Hot Hit With Consumers,” International Bottler & Packer, November 2001 [Binstead Publications Ltd.]

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Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	EA	3,913,739	10/21/1975	Hennessey	206	434		
	EB	3,942,631	03/09/1976	Sutherland, et al.	206	44.12		
	EC	4,416,410	11/22/1983	Herrmann	229	38		
	ED	4,325,482	04/20/1982	Feeser	206	625		
	EE	4,364,509	12/21/1982	Holley, Jr. et al.	229	95		
	EF	4,582,199	04/15/1986	Schuster	206	428		
	EG	4,860,944	08/29/1989	Wonnacott	229	52		
	EH	5,031,825	07/16/1991	Romagnoli	229	160.1		
	EI	5,067,615	11/26/1991	Davitian	229	230		
	EJ	5,277,360	01/11/1994	DeMott	229	122		
	EK	5,284,292	02/08/1994	Johnson	229	122.1		
	EL	5,465,831	11/14/1995	Smith	206	44		
	EM	5,505,372	04/09/1996	Edson	229	121		
FOREIGN PATENT DOCUMENTS								
		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, etc.)</i>								
	EN	"Coke Bottler Tests A Slimmer Soda Package", Wall Street Journal B3 (Aug. 10, 2001)						
	EO	"Passing the Torch", BeverageWorld p. 36 (October 2002)						
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U.S. PATENT DOCUMENTS							
Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	FA	5,833,118	11/10/1998	Weiss	221	309	
	FB	5,873,515	02/23/1999	Dunn, et al.	229	117.13	
	FC	5,881,884	03/16/1999	Podosek	206	774	
	FD	6,386,369	05/14/2002	Yuhas, et al.	206	746	
	FE	6,435,351	08/20/2002	Gibb	206	736	
	FF	6,484,903	11/26/2002	Spivey, et al.	221	303	
	FG	6,550,615	04/22/2003	Linghamfelter	206	427	
	FH	6,578,736	06/17/2003	Spivey, et al.	221	305	
	FI	D269,068	05/24/1983	Mann, et al.	D9	416	
	FJ	D270,041	08/09/1983	Vestal	D9	416	
	FK	D303,090	08/29/1989	Armor, et al.	D9	433	
	FL	D454,784 S	03/26/2002	Oram	D9	416	

FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Subclass	Translation
							Yes No

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, etc.)</i>	
	FM "RIVERWOOD" For the Carton Designated as 'Fridge Pack,' International Bottler & Packer, November 2001 [Binstead Publications Limited – United Kingdom]
	FN "Coca-Cola Fridge Mate", p. 3 Revise Woolworth's Advertisement wca4000 / N1A

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FOREIGN PATENT DOCUMENTS							
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						Yes No	

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, etc.)</i>	
GA	"Riverwood International Corporation v. MeadWestvaco Corporation" Civ. Action No. 1:03CV1672 (Jun. 17, 2003 N.D. Ga.) Plaintiff's [Riverwood] Motion for Prelim. Injunction
GB	"Riverwood International Corporation v. MeadWestvaco Corporation" Civ. Action No. 1:03CV1672 (N.D. Ga.) Defendant's [MeadWestvaco] Memorandum In Opposition to Plaintiff's [Riverwood] Motion for a Preliminary Injunction
GC	"Riverwood International Corporation v. MeadWestvaco Corporation" Civ. Action No. 1:03CV1672 (N.D. Ga.) Plaintiff's [Riverwood] Reply to Defendant's [MeadWestvaco] Memorandum In Opposition to Plaintiff's [Riverwood] Motion for a Preliminary Injunction

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U.S. PATENT DOCUMENTS							
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	HA	2,754,047	07/10/56	Schmidt, et al.	229	51	
	HB	4,498,581	02/12/85	Dutcher	206	427	
	HC	4,785,991	11/22/88	Schuster	229	52	
	HD	4,966,324	10/30/90	Steel	229	117.13	
	HE	4,972,991	11/27/90	Schuster	229	117.13	
	HF	4,981,253	01/01/91	Quaintenance	229	117.13	
	HG	5,002,186	03/26/91	Cooper	206	433	
	HH	5,101,642	04/07/92	Alexandrov	62	371	
	HI	5,427,242	06/27/95	Oliff, et al.	206	430	
	HJ	5,518,111	05/21/96	Stout	206	160	
	HK	5,826,783	10/27/98	Stout	229	120.32	
	HL	6,478,219	11/12/02	Holley, Jr.	229	240	
	HM	6,631,803	10/14/03	Rhodes, et al.	206	427	

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		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	HN	DE 2 323 589 A	05/10/73	Germany	B65D	5/54		X
	HO	DE 76 06 493 U1	06/24/76	Germany	B65D	85/08		X
	HP	DE 29 33 022 C2	08/16/79	Germany	B65D	5/54		X
	HQ	DE 30 07 769 C2	02/29/80	Germany	B65D	5/54		X
	HR	DE 81 35 176 U1	11/30/81	Germany	B65D	5/54		X

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, etc.)</i>		
	HS	U.S. Patent Publication No. US 2002/0185527 A1 (Bates), Publication Date 12/12/02

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Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	IA	D243,508	03/01/77	Killy	D9	245		
	IB	D263,204	03/02/82	Dutcher	D9	433		
	IC	D286,987	12/02/86	Golan, et al.	D9	433		
	ID	D436,859	01/30/01	Botsford, et al.	D9	416		
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	IG							
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	IJ							
	IK							
	IL							
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FOREIGN PATENT DOCUMENTS								
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							Yes	No
	IN	DE 40 23 043 A1	07/20/90	Germany	B65D	77/00		X
	IO	DE 94 13 813 U1	08/26/94	Germany	B65D	5/54		X
	IP	DE 94 12 885 U1	08/10/94	Germany	B65D	5/32		X
	IQ	DE 694 21 620 T2	08/31/94	Germany	B65D	5/72		X
	IR	DE 295 19 931 U1	12/15/95	Germany	B65D	5/50		X
	IS	DE 296 02 010 U1	02/06/96	Germany	B65D	5/52		X
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	JA						
	JB						
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	JJ						
	JK						
	JL						
	JM						

FOREIGN PATENT DOCUMENTS									
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	JN	DE 299 09 008 U1	05/26/99	Germany	B65D	5/02		X	
	JO	EP 235 852 B1	02/19/87	Europe	B65D	5/32	X		
	JP	EP 342 088 B1	04/27/89	Europe	B65D	5/54		X	
	JQ	EP 659 143 B1	06/24/94	Europe	B65D	5/46	X		
	JR	EP 752 370 A2	07/05/95	Europe	B65D	5/00	X		
	JS	EP 936 995 B1	11/18/97	Europe	B65D	5/54	X		

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	KB						
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	KJ						
	KK						
	KL						
	KM						

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	KN	EP 1 060 998 A2	06/16/00	Europe	B65D	5/54	X	
	KO	WO 88/09750	06/16/88	Patent Cooperation Treaty	B65D	5/46	X	
	KP	WO 95/25668	03/24/94	Patent Cooperation Treaty	B65D	5/70	X	
	KQ	WO 98/31593	12/04/97	Patent Cooperation Treaty	B65D	5/54	X	
	KR	WO 99/64301	06/08/98	Patent Cooperation Treaty	B65D	5/54	X	

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	LB							
	LC							
	LD							
	LE							
	LF							
	LG							
	LH							
	LI							
	LJ							
	LK							
	LL							
	LM							

FOREIGN PATENT DOCUMENTS								
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	LN	WO 00/23334	10/21/99	Patent Cooperation Treaty	B65D	5/54	X	
	LO	WO 00/71428 A1	05/19/00	Patent Cooperation Treaty	B65D	5/54	X	
	LP	WO 01/28871 A1	10/17/00	Patent Cooperation Treaty	B65D	5/54		X
	LQ	WO 02/04302 A1	07/06/00	Patent Cooperation Treaty	B65D	5/355	X	
	LR	WO 02/085739 A1	04/24/01	Patent Cooperation Treaty	B65D	71/00		

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U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	MA	Des. 252,259	07/1979	Rinehart	D9	245	
	MB	Des. 332,915	02/1993	Hoell et al.	D9	346	
	MC	US 2003/0141353A1	07/2003	Wilson	229	103.2	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, etc.)*

	MD	"Riverwood International Corporation v. Meadwestvaco Corporation," Civ. Action No. 1:03-CV-1672 (TWT) (N.D. Ga.), Riverwood's Supplemental Pre-Hearing Brief in Support of Plaintiff's [Riverwood] Motion for Preliminary Injunction
	ME	"Riverwood International Corporation v. Meadwestvaco Corporation," Civ. Action No. 1:03-CV-1672 (TWT) (N.D. Ga.), Meadwestvaco's Supplemental Memorandum in Opposition to Riverwood's Motion for a Preliminary Injunction

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